

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1096

Chapter 277, Laws of 2007

60th Legislature
2007 Regular Session

POSTSECONDARY OPPORTUNITY PROGRAMS

EFFECTIVE DATE: 07/22/07

Passed by the House April 16, 2007
Yeas 94 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 9, 2007
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 2, 2007, 11:07 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1096** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 3, 2007

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1096

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos, Simpson, Haigh, Lantz, Kagi and Rolfes)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to creating postsecondary opportunity programs;
2 amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; and
3 creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The economic trends of globalization and technological change
7 are increasing the demand for higher and differently skilled workers
8 than in the past;

9 (2) Increasing Washington's economic competitiveness requires
10 increasing the supply of skilled workers in the state;

11 (3) Improving the labor market competitiveness of all Washington
12 residents requires that all residents have access to postsecondary
13 education; and

14 (4) Community and technical college workforce training programs and
15 Washington state apprenticeship and training council-approved
16 apprenticeship programs provide effective and efficient pathways for
17 people to enter high wage, high skill careers while also meeting the
18 needs of the economy.

1 **PART 1**

2 **OPPORTUNITY GRANT PROGRAM**

3 NEW SECTION. **Sec. 101.** A new section is added to chapter 28B.50
4 RCW to read as follows:

5 (1) The college board shall develop and implement a workforce
6 education program known as the opportunity grant program to provide
7 financial and other assistance for students enrolled at qualified
8 institutions of higher education in opportunity grant-eligible programs
9 of study as described in section 201 of this act. Students enrolled in
10 the opportunity grant program are eligible for:

11 (a) Funding for tuition and mandatory fees at the public community
12 and technical college rate, prorated if the credit load is less than
13 full time, paid directly to the educational institution; and

14 (b) An additional one thousand dollars per academic year for books,
15 tools, and supplies, prorated if the credit load is less than full
16 time.

17 (2) Funding under subsection (1)(a) and (b) of this section is
18 limited to a maximum forty-five credits or the equivalent in an
19 opportunity grant-eligible program of study, including required related
20 courses. No student may receive opportunity grant funding for more
21 than forty-five credits or for more than three years from initial
22 receipt of grant funds in one or a combination of programs.

23 (3) Grants awarded under this section are subject to the
24 availability of amounts appropriated for this specific purpose.

25 NEW SECTION. **Sec. 102.** A new section is added to chapter 28B.50
26 RCW to read as follows:

27 (1) To be eligible for participation in the opportunity grant
28 program established in section 101 of this act, a student must:

29 (a) Be a Washington resident student as defined in RCW 28B.15.012
30 enrolled in an opportunity grant-eligible program of study;

31 (b) Have a family income that is at or below two hundred percent of
32 the federal poverty level using the most current guidelines available
33 from the United States department of health and human services, and be
34 determined to have financial need based on the free application for
35 federal student aid; and

36 (c) Meet such additional selection criteria as the college board

1 shall establish in order to operate the program within appropriated
2 funding levels.

3 (2) Upon enrolling, the student must provide evidence of commitment
4 to complete the program. The student must make satisfactory progress
5 and maintain a cumulative 2.0 grade point average for continued
6 eligibility. If a student's cumulative grade point average falls below
7 2.0, the student may petition the institution of higher education of
8 attendance. The qualified institution of higher education has the
9 authority to establish a probationary period until such time as the
10 student's grade point average reaches required standards.

11 (3) Subject to funds appropriated for this specific purpose, public
12 qualified institutions of higher education shall receive an enhancement
13 of one thousand five hundred dollars for each full-time equivalent
14 student enrolled in the opportunity grant program whose income is below
15 two hundred percent of the federal poverty level. The funds shall be
16 used for individualized support services which may include, but are not
17 limited to, college and career advising, tutoring, emergency child
18 care, and emergency transportation. The qualified institution of
19 higher education is expected to help students access all financial
20 resources and support services available to them through alternative
21 sources.

22 (4) The college board shall be accountable for student retention
23 and completion of opportunity grant-eligible programs of study. It
24 shall set annual performance measures and targets and monitor the
25 performance at all qualified institutions of higher education. The
26 college board must reduce funding at institutions of higher education
27 that do not meet targets for two consecutive years, based on criteria
28 developed by the college board.

29 (5) The college board and higher education coordinating board shall
30 work together to ensure that students participating in the opportunity
31 grant program are informed of all other state and federal financial aid
32 to which they may be entitled while receiving an opportunity grant.

33 (6) The college board and higher education coordinating board shall
34 document the amount of opportunity grant assistance and the types and
35 amounts of other sources of financial aid received by participating
36 students. Annually, they shall produce a summary of the data.

37 (7) The college board shall:

1 (a) Begin developing the program no later than August 1, 2007, with
2 student enrollment to begin no later than January 14, 2008; and

3 (b) Submit a progress report to the legislature by December 1,
4 2008.

5 (8) The college board may, in implementing the opportunity grant
6 program, accept, use, and expend or dispose of contributions of money,
7 services, and property. All such moneys received by the college board
8 for the program must be deposited in an account at a depository
9 approved by the state treasurer. Only the college board or a duly
10 authorized representative thereof may authorize expenditures from this
11 account. In order to maintain an effective expenditure and revenue
12 control, the account is subject in all respects to chapter 43.88 RCW,
13 but no appropriation is required to permit expenditure of moneys in the
14 account.

15 **PART 2**

16 **OPPORTUNITY PARTNERSHIPS**

17 NEW SECTION. **Sec. 201.** A new section is added to chapter 28B.50
18 RCW to read as follows:

19 The college board, in partnership with business, labor, and the
20 workforce training and education coordinating board, shall:

21 (1) Identify job specific training programs offered by qualified
22 postsecondary institutions that lead to a credential, certificate, or
23 degree in high demand occupations, which are occupations where data
24 show that employer demand for workers exceeds the supply of qualified
25 job applicants throughout the state or in a specific region, and where
26 training capacity is underutilized;

27 (2) Gain recognition of the credentials, certificates, and degrees
28 by Washington's employers and labor organizations. The college board
29 shall designate these recognized credentials, certificates, and degrees
30 as "opportunity grant-eligible programs of study"; and

31 (3) Market the credentials, certificates, and degrees to potential
32 students, businesses, and apprenticeship programs as a way for
33 individuals to advance in their careers and to better meet the needs of
34 industry.

- 1 (2) "Board" shall mean the work force training and education
2 coordinating board.
- 3 (3) "College board" shall mean the state board for community and
4 technical colleges created by this chapter.
- 5 (4) "Director" shall mean the administrative director for the state
6 system of community and technical colleges.
- 7 (5) "District" shall mean any one of the community and technical
8 college districts created by this chapter.
- 9 (6) "Board of trustees" shall mean the local community and
10 technical college board of trustees established for each college
11 district within the state.
- 12 (7) "Occupational education" shall mean that education or training
13 that will prepare a student for employment that does not require a
14 baccalaureate degree, and education and training leading to an applied
15 baccalaureate degree.
- 16 (8) "K-12 system" shall mean the public school program including
17 kindergarten through the twelfth grade.
- 18 (9) "Common school board" shall mean a public school district board
19 of directors.
- 20 (10) "Community college" shall include those higher education
21 institutions that conduct education programs under RCW 28B.50.020.
- 22 (11) "Technical college" shall include those higher education
23 institutions with the sole mission of conducting occupational
24 education, basic skills, literacy programs, and offering on short
25 notice, when appropriate, programs that meet specific industry needs.
26 The programs of technical colleges shall include, but not be limited
27 to, continuous enrollment, competency-based instruction, industry-
28 experienced faculty, curriculum integrating vocational and basic skills
29 education, and curriculum approved by representatives of employers and
30 labor. For purposes of this chapter, technical colleges shall include
31 Lake Washington Vocational-Technical Institute, Renton Vocational-
32 Technical Institute, Bates Vocational-Technical Institute, Clover Park
33 Vocational Institute, and Bellingham Vocational-Technical Institute.
- 34 (12) "Adult education" shall mean all education or instruction,
35 including academic, vocational education or training, basic skills and
36 literacy training, and "occupational education" provided by public
37 educational institutions, including common school districts for persons
38 who are eighteen years of age and over or who hold a high school

1 diploma or certificate. However, "adult education" shall not include
2 academic education or instruction for persons under twenty-one years of
3 age who do not hold a high school degree or diploma and who are
4 attending a public high school for the sole purpose of obtaining a high
5 school diploma or certificate, nor shall "adult education" include
6 education or instruction provided by any four year public institution
7 of higher education.

8 (13) "Dislocated forest product worker" shall mean a forest
9 products worker who: (a)(i) Has been terminated or received notice of
10 termination from employment and is unlikely to return to employment in
11 the individual's principal occupation or previous industry because of
12 a diminishing demand for his or her skills in that occupation or
13 industry; or (ii) is self-employed and has been displaced from his or
14 her business because of the diminishing demand for the business'
15 services or goods; and (b) at the time of last separation from
16 employment, resided in or was employed in a rural natural resources
17 impact area.

18 (14) "Forest products worker" shall mean a worker in the forest
19 products industries affected by the reduction of forest fiber
20 enhancement, transportation, or production. The workers included
21 within this definition shall be determined by the employment security
22 department, but shall include workers employed in the industries
23 assigned the major group standard industrial classification codes "24"
24 and "26" and the industries involved in the harvesting and management
25 of logs, transportation of logs and wood products, processing of wood
26 products, and the manufacturing and distribution of wood processing and
27 logging equipment. The commissioner may adopt rules further
28 interpreting these definitions. For the purposes of this subsection,
29 "standard industrial classification code" means the code identified in
30 RCW 50.29.025(3).

31 (15) "Dislocated salmon fishing worker" means a finfish products
32 worker who: (a)(i) Has been terminated or received notice of
33 termination from employment and is unlikely to return to employment in
34 the individual's principal occupation or previous industry because of
35 a diminishing demand for his or her skills in that occupation or
36 industry; or (ii) is self-employed and has been displaced from his or
37 her business because of the diminishing demand for the business's

1 services or goods; and (b) at the time of last separation from
2 employment, resided in or was employed in a rural natural resources
3 impact area.

4 (16) "Salmon fishing worker" means a worker in the finfish industry
5 affected by 1994 or future salmon disasters. The workers included
6 within this definition shall be determined by the employment security
7 department, but shall include workers employed in the industries
8 involved in the commercial and recreational harvesting of finfish
9 including buying and processing finfish. The commissioner may adopt
10 rules further interpreting these definitions.

11 (17) "Rural natural resources impact area" means:

12 (a) A nonmetropolitan county, as defined by the 1990 decennial
13 census, that meets three of the five criteria set forth in subsection
14 (18) of this section;

15 (b) A nonmetropolitan county with a population of less than forty
16 thousand in the 1990 decennial census, that meets two of the five
17 criteria as set forth in subsection (18) of this section; or

18 (c) A nonurbanized area, as defined by the 1990 decennial census,
19 that is located in a metropolitan county that meets three of the five
20 criteria set forth in subsection (18) of this section.

21 (18) For the purposes of designating rural natural resources impact
22 areas, the following criteria shall be considered:

23 (a) A lumber and wood products employment location quotient at or
24 above the state average;

25 (b) A commercial salmon fishing employment location quotient at or
26 above the state average;

27 (c) Projected or actual direct lumber and wood products job losses
28 of one hundred positions or more;

29 (d) Projected or actual direct commercial salmon fishing job losses
30 of one hundred positions or more; and

31 (e) An unemployment rate twenty percent or more above the state
32 average. The counties that meet these criteria shall be determined by
33 the employment security department for the most recent year for which
34 data is available. For the purposes of administration of programs
35 under this chapter, the United States post office five-digit zip code
36 delivery areas will be used to determine residence status for
37 eligibility purposes. For the purpose of this definition, a zip code
38 delivery area of which any part is ten miles or more from an urbanized

1 area is considered nonurbanized. A zip code totally surrounded by zip
2 codes qualifying as nonurbanized under this definition is also
3 considered nonurbanized. The office of financial management shall make
4 available a zip code listing of the areas to all agencies and
5 organizations providing services under this chapter.

6 (19) "Applied baccalaureate degree" means a baccalaureate degree
7 awarded by a college under RCW 28B.50.810 for successful completion of
8 a program of study that is:

9 (a) Specifically designed for individuals who hold an associate of
10 applied science degree, or its equivalent, in order to maximize
11 application of their technical course credits toward the baccalaureate
12 degree; and

13 (b) Based on a curriculum that incorporates both theoretical and
14 applied knowledge and skills in a specific technical field.

15 (20) "Qualified institutions of higher education" means:

16 (a) Washington public community and technical colleges;

17 (b) Private career schools that are members of an accrediting
18 association recognized by rule of the higher education coordinating
19 board for the purposes of chapter 28B.92 RCW; and

20 (c) Washington state apprenticeship and training council-approved
21 apprenticeship programs.

22 NEW SECTION. Sec. 302. Part headings used in this act are not any
23 part of the law.

Passed by the House April 16, 2007.

Passed by the Senate April 9, 2007.

Approved by the Governor May 2, 2007.

Filed in Office of Secretary of State May 3, 2007.